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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,040

Applicant(s)

DE MEYER ET AL.

Examiner

Norca L. Torres-Velazquez

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on September 16, 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables

having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: it fails to include labels for the different sections.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 42-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. It is not clear from the claim on how the claimed textile reinforcement layer comprises a "stiffening" and also claims that the "stiffening" forms a textile bond with the reinforcement layer that comprises it? The language used in the claim allows for different interpretations and it is not clearly defining that what is being claimed. The

claim as written allows for various interpretations. For example, the Examiner can interpret the claim as being a single layer formed by two materials, one of them being a “stiffening” material or can also be interpreted as being a reinforcement layer formed by two layers bonded together, one of them being the claimed “stiffening” in the form of individual threads, individual yarns or a textile product. It is further noted, that if indeed what Applicants are trying to claim is a two-layer structure, Applicants should use language that does differentiate between the “overall textile reinforcement layer” and the textile reinforcement layer comprised by it.

b. The term “textile bond” is not defined in the claims or in the specification. It is noted that the definition of “bond” is a band or cord used to tie something, a material or device for binding, as defined in the Merriam-Webster’s Collegiate Dictionary, Tenth Edition. Therefore, it is not clear from the claim or the Specification if the “textile bond” being claimed is formed by the “stiffening” of a different material. For examining purposes, the Examiner assumes that the “textile bond” is a different material from the “stiffening”.

c. Claim 42 recites the limitation “said hose” in claim 8. There is insufficient antecedent basis for this limitation in the claim. The claim is not claiming a hose, a tube or similar extended objects. It is noted that the recitation in the preamble “...for hoses, tubes and similar extended objects...” is reciting the intended use of the textile reinforcement layer being claimed and not positively claiming those structures in the claim.

6. For examining purposes, the Examiner interprets the claim is claiming one layer that comprises two materials bonded together by a "textile bond".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by PLONTGES et al. (US 4,857,379).

PLONTGES et al. discloses a sheet like structure of fibers useful as reinforcement. The fabric incorporates plastic yarns in the warp and the weft direction. The yarns consist of a material, e.g. polyester or polyolefin that shrinks under the impact of a temperature below the melting point of the material. After the impact of the heat and the consequent shrinking, the material reassumes its original firmness. (Refer to Abstract, also Column 2, lines 46-61) The reference teaches constructions in which the warp and weft threads are interwoven with each other, and also a construction that includes a knitted fabric construction with a bonding chain holding together two layers of threads. (Column 1, lines 56 through Column 2, lines 1-4) The reference further teaches that threads 1 soften under the action of heat. (Column 3, lines 3-6) PLONTGES et al. further teaches that in a tubular construction the structure has high-tenacity inextensible threads 2 extending in the longitudinal direction of the tube if the component is to be loaded in the direction of its length, while the threads 1 which are extensible under deformation conditions run in the transverse direction. The reverse construction is also possible, for example

for a tube, which is loaded by internal pressure. (Column 4, lines 41-49). On Column 5, the table shows the preferred values for the threads employed including the composition and melting points of threads 1, threads 2 and bonding chain 3. It shows that the bonding chain with a higher melting point than threads 2 of the structure. (Also refer to Col. 3, lines 15-31) Therefore, the reference meets the limitation of having the “stiffening” acting as a “stiffener” under normal temperatures.

It is the Examiner’s interpretation that the knit construction shown in Fig. 3 equates to the presently claimed textile reinforcement layer, that comprises threads 2 with a lower melting point that equate to the presently claimed stiffening and the bonding chain 3 equates to the “textile bond” claimed herein.

Therefore, the reference above discloses a reinforcement layer in the form of a woven or knitted fabric that includes a stiffening material in the form of first threads with a lower melting point than second threads. In the alternative, the reference teaches an embodiment that includes a laid fabric of two superimposed layers of threads or yarns 1 and 2 that reads on the stiffening textile product of the present application, and a knitted fabric that reads on the reinforcement layer. In the preferred values for the threads of the reference, the table shows that the bonding chain is made of polyester yarns with a melting point higher than the polyolefin PP threads 2.

With regards to claim 45, it is noted that the reference further teaches that a plurality of reinforcements can also be employed superimposed on one another. (Col. 4, lines 19-22) Therefore, it is the Examiner’s interpretation that such an embodiment will provide the “stiffening” as a knit fabric of PLONGES invention.

Response to Arguments

8. Applicant's arguments filed September 16, 2004 have been fully considered but they are not persuasive.

Applicants stated that the claimed stiffening is considered as a first element that forms a textile bond with the reinforcement layer (a second element) to form the overall claimed textile reinforcement layer. Applicant's argue that the Plontges et al. (US 4,857,379) reference discloses only one layer and fails to teach or suggest the combination of a stiffening plus a reinforcement.

It is the Examiner's position that the claims are indefinite (as described above) and allow for several interpretations, one of which allows for the overall claimed textile reinforcement layer to be a one-layer product. In the alternative, the structure taught by PLONTGES can be interpreted as having two layers of threads bonded by a bonding chain as shown in Figure 3. It is the Examiner's position that the PLONTGES et al. reference discloses all the structural elements claimed herein as stated above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Norca L. Torres-Velazquez
Examiner
Art Unit 1771

November 17, 2004



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